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Offshore Oil Drilling in Florida Still Possible Despite Ban

Floridians hope Amendment 9 protects their state from offshore oil drilling, but a seismic survey off the Atlantic coast could bring drilling to federal waters.

By Noreen Marcus Contributor Jan. 15, 2019, at 8:00 a.m.



JEFFREY GREENBERG | UIG | GETTY IMAGES

Florida has passed a ban on drilling in Florida coastal waters, but it's uncertain how much it will protect.

Floridians took a stand against offshore oil drilling Nov. 6 by voting their opposition into the state constitution, where it's almost certain to stay for at least a generation.

Government Reopens for Oil and Gas

The Trump administration is reopening the offices that approve drilling permits for oil and gas operations, a move experts say may be illegal.

Alan Neuhauser Jan. 11, 2019



The issue resonates with Alan Johnson, mayor of St. Pete Beach (population "pushing 10,000"), a 6-mile-long, sandy tourist magnet on Florida's Gulf coast.

"The big problem that people relate to here is that they've been to Houston, where they can see the oil rigs offshore, and they complain about big balls of tar on the beaches. Everybody's deathly afraid of that happening here," Johnson says. "We're the designated sunset capital of Florida and the last thing we want to do is ruin that."

So did passage of Amendment 9, the new ban on drilling in Florida coastal waters, solve the problem?

Johnson is doubtful. "There was a lot of confusion as to what it really accomplished," he says. "We're at the mercy of what happens in Washington."

State waters extend 3 nautical miles off the coast, but the states have no direct control over 200 miles of federal waters. And oil ignores man-made borders.

The biggest danger associated with oil drilling is what happened in the 2010 BP Deepwater Horizon explosion and spill, with devastating effects on the marine ecosystem and industries like tourism and fishing that depend on pristine beaches and water.

Hundreds of damaging, smaller spills go unnoticed, conservationists say.

"Anytime there's oil floating around somewhere there's going to be a mistake that can lead to an environmental disaster," says Johnson, an engineer.

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The government shutdown notwithstanding, things are happening at the federal level that impact oil drilling and, potentially, Florida. In November, the National Marine Fisheries Service issued "incidental harassment authorizations" that will allow five companies to use seismic airguns to explore potential oil and gas fields off the Atlantic coast from Delaware to Cape Canaveral in central Florida.

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The so-called "incidental" victims are marine mammals whose lives will be made "a living hell" by seismic airguns' constant, piercing-decibel outbursts, says Hunter Miller of Oceana, the international environmental nonprofit.

Attorneys general from 10 states have joined with Oceana and eight other conservation groups to sue the fisheries service and its boss, Commerce Secretary Wilbur Ross, in an effort to impede the seismic survey process.

"Noise from these blasts can disturb, injure, or even kill animals across the entire marine ecosystem, from the smallest zooplankton to the largest whales," according to the lawsuit filed Dec. 11 in federal court in Charleston, [South Carolina](#).

Sixteen South Carolina cities filed a companion lawsuit that highlights the business impact: The cities "have proprietary interests in the marine resources, tax revenues and aesthetics that will be harmed along the coast if seismic airgun surveying is allowed to proceed."

Meanwhile, the Bureau of Ocean Energy Management is about to grant drilling permits, authorizing action after the seismic surveys locate fertile fields. Only the government shutdown is delaying this permitting process.

Also, if Congress does nothing to extend the Gulf of Mexico Energy Security Act, a moratorium on oil drilling and exploration, it will expire in 2022. Environmentalists say the subsequent legal vacuum would invite drilling in the eastern Gulf, close to Florida's west coast.

Exxon Mobil, BP, Texaco and Shell – all the big U.S. industry players – are lining up in anticipation, says Matthew Schwartz, executive director of the South Florida Wildlands Association. "There's oil there, there's clearly oil there, and those guys are hungry to go in there," he says.

A year ago President Donald Trump said Florida will be exempt from drilling leases, a promise that possibly helped Republican Rick Scott move from the governor's office to the Senate. When no formal action followed Trump's pledge, though, conservationists stopped expecting special protection for Florida waters.

"Trump is not taking Florida off the table," Schwartz says.

Still, Florida isn't part of the seismic testing court challenge. Robert Kittle, chief spokesman for the South Carolina Attorney General's Office, said Florida officials weren't approached about joining the lawsuit because the announced drilling exemption mooted the state's interest in the outcome.

David Mica, executive director of the Florida Petroleum Council, argues for moderation in the drilling debate, defends the safety of seismic testing, and emphasizes the oil companies' increasing reliance on natural gas.



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"There's an element of radical environmental activism that doesn't want oil and gas to be part of the energy mix for the future, they want it all 100 percent renewables," he says. "Others recognize that environmental gains through natural gas in this country are huge."

Just as the oil companies may be lining up to drill in the eastern Gulf, Florida politicians are mobilizing to thwart them. U.S. Rep. Francis Rooney, a Republican from southwest Florida, recently introduced a bill to "permanently ban oil and gas leasing, preleasing, and related activities in the Eastern Gulf of Mexico." The bill would maintain the Gulf moratorium instead of letting it lapse in three years. Rooney's co-sponsor is a Democrat from Tampa, U.S. Rep. Kathy Castor.

Activists like Schwartz and Miller recognize that keeping the powerful oil industry away from Florida's waters will require a bipartisan effort with strong grassroots support.

They point to Amendment 9 as strong evidence of existing support. One product of a constitution-updating commission that meets every 20 years, it required 60 percent of the popular vote for passage, and got nearly 70 percent.

"The new governor (Ron DeSantis) and Senators Scott and (Marco) Rubio need to really start making noise, and Florida needs to start pressuring legislators, and the state Senate and House need to get on board to make a lot of noise about this," Schwartz says. "This is not a small thing."

When the government shutdown ends and the proposed drilling program is released for public comment, "that will be the most important three months of our fight," Miller says.

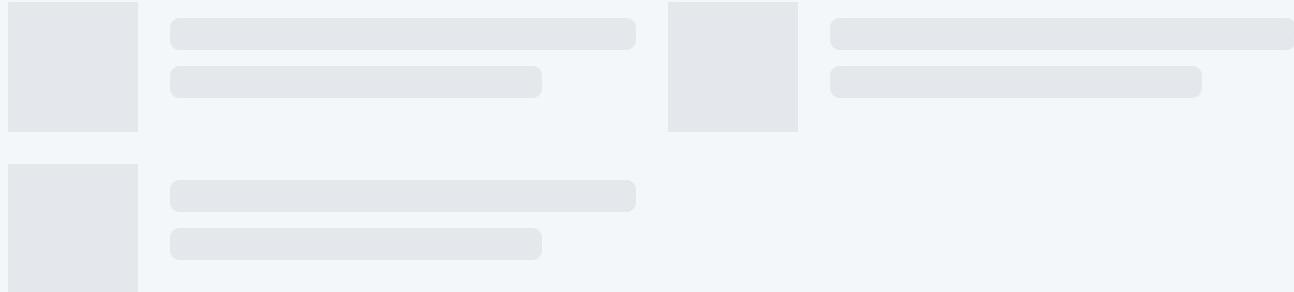
A total of 79 Florida municipalities have passed resolutions opposing drilling "and that number continues to rise," he says.

One of them is St. Pete Beach, where the mayor once worked in the utility business for General Electric.

"I'm not a tree-hugger, but I'm an environmentalist," Johnson says. "I also think we ought to go after renewable energy, solar, wind and gas." Supporting oil production "is just delaying the inevitable."

Tags: Florida, oil, government, environment, politics, natural gas

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